

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**UNITED STATES OF AMERICA, et al.,**

**Plaintiffs,**

**v.**

**EXPRESS SCRIPTS, INC., et al.,**

**Defendants.**

**Civil Action No. 05-CV-01714(DMC)(JAD)**

**Document Electronically Filed**

**[PROPOSED] ORDER REGARDING  
DEFENDANT AMERISOURCEBERGEN  
CORPORATION'S MOTION TO  
DISMISS CLAIMS AGAINST IT  
PURSUANT TO FED. R. CIV. P. 9(b) AND  
12(b)(6)**

**THIS MATTER** having been brought before the Court upon the Motion of AmerisourceBergen Corporation ("ABC") through its attorneys Morgan, Lewis & Bockius LLP, for an Order dismissing Plaintiff-Relator David Morgan's Third Amended Complaint with prejudice as to ABC pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), and the Court having considered the parties' paper submissions and the arguments of counsel, if any; and for good cause appearing:

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_, 2013, ordered that ABC's Motion is **GRANTED**, and all claims asserted against ABC are hereby dismissed with prejudice, pursuant to Rules 9(b) and 12(b)(6).

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Honorable Dennis M. Cavanaugh, U.S.D.J.